

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ABEL CANTARO CASTILLO, and those
 similarly situated,

Plaintiffs,

v.

WESTERN RANGE ASSOCIATION,

Defendant.

Case No. 3:16-CV-00237-RCJ-CLB

**ORDER OVERRULING DEPOSITION
 OBJECTIONS**

[ECF No. 250]

Before the Court is Third Party Witnesses Borda Land and Sheep Co., Estill Ranches, F.I.M. Corp., Inc., and Rafter Seven Merinos, Inc.'s (collectively referred to as "Third-Party Ranches") notice of deposition objections. (ECF Nos. 250, 251¹.) Plaintiff Abel Cantaro Castillo ("Castillo") responded, (ECF No. 252), and no reply was filed. For the reasons discussed below, the Court overrules the deposition objections.

I. BACKGROUND

On December 15, 2020, several third-party witnesses moved to quash subpoenas for production of documents and for depositions, arguing the discovery requests would be unduly burdensome on the Third-Party Ranches. (ECF No. 229.) On January 15, 2021, the Court held a hearing on the motion to quash, in which it granted, in part, and denied, in part, the motion. (ECF No. 243.) The Court ordered that the Ranches submit detailed declarations with the requested information, permitted Castillo to request depositions if the declarations were inadequate, and provided the Third-Party Ranches an opportunity to object to any such depositions. (*Id.*) The Court set the deadline to file objections for April 23, 2021. (*Id.*) On June 30, 2021—more than 60 days after the

¹ ECF No. 251 is an erratum to the notice of deposition objections.

1 deadline to file objections had passed—the Third-Party Ranches filed the instant notice
2 of deposition objections. (ECF No. 250.)

3 **II. DISCUSSION**

4 The Third-Party Ranches' notice of deposition objections argues that pursuant to
5 the Court's January 15 order, the Third-Party Ranches object to the deposition notices
6 served on F.I.M., Borda Ranch, Rafter Seven Merinos, and Estill Ranches, as Castillo
7 has largely disregarded his obligation to avoid imposing an undue burden on the Third-
8 Party Ranches, and they request the Court quash the subject subpoenas. (ECF No.
9 250.) In response, Castillo argues the Third-Party Ranches waived their opportunity to
10 object to the depositions as the objection was untimely filed, the noticed depositions
11 pose the least possible burden to the Third-Party Ranches, the relevance of the
12 discovery outweighs any burden on the Third-Party Ranches, and finally, Green Goat
13 should be compelled to attend its deposition. (ECF No. 252.)

14 After reviewing the notice of deposition objections and response, the Court finds
15 as follows. First, the notice was untimely filed. Pursuant to the Court's January 15 order,
16 the Third-Party Ranches had until April 23, 2021, to file objections. However, the Third-
17 Party Ranches waited more than 60 days after the deadline passed to file their
18 objections, thereby waiving any objection. *See Davis v. Fendler*, 650 F. 2d 1154, 1160
19 (9th Cir. 1981); *accord Wilson v. Greater Las Vegas Ass'n of Realtors*, No. 2:14-cv-
20 00362-APG-NJK, 2016 WL 1734082, at *3 (D. Nev. May 2, 2016) ("It is well established
21 that a failure to object to discovery requests within the time required constitutes a waiver
22 of any objection.").

23 Moreover, even if the notice was not untimely, the Court finds the objections to be
24 without merit. The topics noticed for deposition are fairly limited in nature and the Third-
25 Party Ranches only provide conclusory statements as to whether the requests are
26 unduly burdensome. *Scientific Games Corp. v. AGS LLC*, No. 2:17-CV-00343-JAD-NJK,
27 2017 WL 3013251 at *2 (D. Nev. July 13, 2017) (Conclusory or speculative statements
28 about the undue burden posed are "plainly insufficient."). Further, the Third-Party

1 Ranches do not cite to any cases or provide any justifiable legal basis to demonstrate
2 that the depositions are disproportionate to the needs of the case. Here, as already
3 noted, the topics noticed for the depositions are fairly limited and indicate that the
4 depositions will be conducted by video conferencing. Therefore, the Court finds that
5 noticed depositions and topics are not unduly burdensome and shall proceed.

6 **III. CONCLUSION**

7 Accordingly, **IT IS THEREFORE ORDERED** that the Third-Party Ranches' notice
8 of deposition objection (ECF No. 250) is **OVERRULED**.

9 **IT IS FURTHER ORDERED** that within 45 days, Castillo shall re-notice the
10 depositions of the Third-Party Ranches, including Green Goat, for a date and time
11 convenient to both parties.

12 **IT IS SO ORDERED.**

13 **DATE:** July 30, 2021

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15 UNITED STATES MAGISTRATE JUDGE
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